

Response to Office Mailed October 6, 2004
Application No. 10/695,115
Attorney Docket No. 1776/40924 PA7 RAB/TMM

Amendment to the Drawings:

Applicant has amended the drawings with submission of formal drawings, and accordingly presents replacement sheets 1 through 4.

Remarks/Arguments

The present application has been amended in response to the Office Action to place the application in condition for allowance. Formal drawings have been submitted in response to the Examiner's objection. Minor amendments to the specification and claims have addressed matters of formality. Applicant has presented claims that clearly define over the prior art of record. This application is therefore in condition for allowance.

Drawings

Figures 1 through 3 have been amended to clearly show that these views are cross-sectional views (they were erroneously identified as elevation views when the application was filed) by showing wall thicknesses where appropriate. In Figures 1 and 2, the arrowheads on reference numerals 10 and 20 have been removed. A paren has been added to Figure 1 to show that element 62 comprises part of the Figure. The reference numeral for element 62 has been corrected as it was originally misidentified on Figure 1 as element 60. (The corresponding typographical error in the specification has been corrected also.) In Figure 3, the arrowhead on reference numeral 10 has been removed and reference numeral 20 and its lead line has been added. In Figure 4, reference numbers have been added to the boxes of the flow diagram (and correspondingly to the specification).

Applicant submits that no new matter has been included and requests entry of the amended drawings.

Section 102 Rejections

The Examiner rejected claims 1, 3, 8, and 10 under Section 102 as being anticipated by United States Patent No. 5,024,041 to Urban. The Examiner noted that Urban teaches a process for filling tubular casings comprising:

- ✓ a filling horn adapted to receive extruded food products and having an outside diameter on which a tubular casing 26 is positioned;
- ✓ a shir housing having a diameter greater than said outside diameter of said filling horn and located coaxially to said filling horn, and
- ✓ a netting tube releasably attachable to said shir housing.

Applicant does not dispute the Examiner's conclusions that these three elements appear in Urban. Nevertheless, Applicant described and claimed an apparatus and method with an additional limitation, in which the tubular netting has a diameter less than the filled diameter of the tubular casing. This limitation does not appear in Urban.

Applicant's description of the invention stated:

The netting 50 of the present invention is of a smaller diameter than the diameter of the tubular film 40.

See Application at page 4, line 23 to page 5, line 1. The reason for having smaller netting than casing was also described:

As the film 40 is pushed off the filling horn 30, it expands outward against the netting 50. Since the netting 50 is of a smaller diameter than that of the film 40, the film 40 will bulge through the spaces in the netting 50, creating the dimpled appearance that is an object of the invention.

See Application at page 6, lines 8-11.

Applicant accordingly presented claims with the specific limitation of netting having a diameter less than the diameter of the tubular film or casing.

Applicant's original claim 1 claims, in pertinent part, with emphasis added:

a netting tube releasably attachable to said shir housing and on which **tubular netting having a diameter less than said filled diameter of said tubular casing has been rucked**,

whereby food products extruded into said filling horn expand said tubular casing against said netting to create a dimpled appearance in the food product.

Applicant's claim 8 (as amended to correct an obvious typographical error) now claims, in pertinent part, with emphasis added:

rucking a tubular netting **having a diameter less than said filled diameter onto a netting tube**,

attaching said netting tube to said housing,

extruding food products through said filling horn, whereby the food products expand said tubular casing against said netting to create a dimpled appearance in the food product.

Applicant respectfully suggests that the concept of using netting having a diameter less than the filled diameter of the casing is novel. Urban does not mention this concept. The Examiner recognizes that Urban does not describe this type of netting, because the Examiner does not cite Urban as showing this limitation.

Urban does not teach anything about the size of the netting. In fact, Urban wished to stuff the casing tightly and in a crease-free manner, which required him to retard the removal of the casing from the stuffing horn. See Urban at column 1, lines 18-21. Accordingly, he

disclosed the brake that encircled his stuffing horn. *Id.* at lines 44-46. Nowhere in Urban's patent does he make any reference whatsoever to using netting of a smaller diameter than the casing. In fact, Urban teaches away from this concept. In his sole Figure, his casing 26, at the point where it has been closed by clip 28, is full of the stuffed product and therefore fully expanded, yet the netting 27 appears to have a much greater diameter at that point than the filled diameter of casing 26.

Claims 1 and 8, therefore, have a limitation that is not described in Urban and those claims are therefore structurally distinct from Urban. Urban does not describe every limitation of claims 1 and 8 and therefore does not anticipate those claims. Applicant accordingly requests that the Examiner reconsider the Section 102 limitation and withdraw it.

Section 103 Rejections

The Examiner rejected the remaining dependent claims (claims 2, 4 through 7, 9, and 11 through 14) based primarily on Urban, discussed above. As Urban does not anticipate the independent claims (claims 1 and 8), the dependent claims are similarly not obvious over Urban in combination with other art.

Specifically, claims 2 and 9 are not obvious over Urban. Applicant recognizes that it would be obvious to a person of ordinary skill in the art to use a clipper. In fact, Urban describes the use of a clipper (column 4, lines 28, 41). Nevertheless, Urban did not suggest using netting having a diameter less than the filled diameter of the casing, as discussed above. Accordingly, claims 2 and 9 are not obvious over Urban.

Additionally, claims 4 through 7 and 11 through 14 are not obvious over Urban in view of U.S. Patent No. 5,135,770 to Underwood. Regardless of whether it would have been obvious

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to a person of skill in the art to use the flavored or dyed casings of Underwood, Urban did not suggest using netting having a diameter less than the filled diameter of the casing, as discussed above. Accordingly, these claims are not obvious over Urban in view of Underwood.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement with this application. Attached are copies of the Information Disclosure Statement (including a Certificate of Mailing by Express Mail), the Form PTO/SB/08A, and the returned postcard, all of which were submitted with the original application.

Applicant accordingly requests that Form PTO/SB/08A be completed and returned.

Conclusion

It is expected that this Amendment and Request for Reconsideration places the present application in condition for allowance. Should the present claims not be deemed adequate effectively to define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,
Poly-clip System Corp.

Date:

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By:



Raiford A. Blackstone, Reg. No. 25,156
Timothy M. McCarthy, Reg. No. 42,855
Attorneys for Applicant
TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 West Adams Street, 36th Floor
Chicago, Illinois 60603-6299
Tel: (312) 704-1890